

AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: SUMMONS, COMPLAINT, CIS, EXHIBITS  
EFFECTED (1) BY ME: MALGORZATA SLADEK  
TITLE: PROCESS SERVER

DATE: 01/09/2008 03:54PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

CONTINENTAL STOCK TRANSFER AND TRUST COMPANY

Place where served:

17 BATTERY PLACE 8TH FLOOR NEW YORK NY

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

STEVEN NELSON

Relationship to defendant: MANAGING AGENT

Description of person accepting service:

SEX: M AGE: 51-65 HEIGHT: 5'9"-6'0" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: GRAY OTHER: \_\_\_\_\_

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_

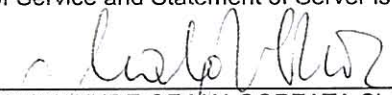
SERVICES \$ \_\_\_\_\_

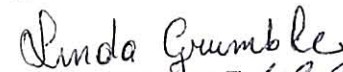
TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 1/9/2008

  
L.S.  
SIGNATURE OF MALGORZATA SLADEK  
GUARANTEED SUBPOENA SERVICE, INC.  
2009 MORRIS AVENUE  
UNION, NJ 07083

  
LINDA GRUMBLE 1-9-8  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Nov. 9, 2012

ATTORNEY: ALAN S. FELLHEIMER  
PLAINTIFF: AXION POWER INTERNATIONAL, INC.  
DEFENDANT: MERCATUS & PARTNERS, LTD.  
VENUE: DISTRICT  
DOCKET: 07 CV 11493

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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